

REMARKS

With this Amendment, Applicant adds new claim 21. Therefore, claims 16-21 are all the claims currently pending in the present Application.

New Claim

Applicant has added new claim 21 in order more fully to cover various aspects of Applicant's invention as disclosed in the specification. Entry of this claim is respectfully requested.

Claim Rejections

Claims 16-20 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Kazmierczak (U.S. Patent No. 5,764,762), in view of Archibald (U.S. Patent No. 5,825,883) and Iwamura (U.S. Patent No. 6,144,946). Applicant respectfully traverse this rejection.

Applicant notes that in order to establish a *prima facie* case of obviousness, three criteria must be met: "First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." (MPEP §2143). Thus, Applicant asserts that the prior art references when combined do not teach or suggest all the claim limitations, because a reasonable combination of the references fails to teach or suggest each of the limitations of the present invention as recited in independent claims 16 and 21 (third *prima facie* requirement).

The references fail to teach or suggest a system, as claimed, in which a customer downloads encrypted literary works information from a first source (a literary work provider terminal apparatus) and purchases the right to use that literary works information from a second source independent of the first source (a management terminal) and can only decrypt and present the encrypted literary works information based on the purchased right to use. Applicant submits that independent claims 16 and 21 do not merely claim the concept of charging a user of electronic information based on the use of the information or limiting the user's use of the information, but rather specifically recite the manner in which the paid right is provided and managed. Even assuming for the sake of argument that the cited combination of references teaches the broad concept of pre-paid rights to access electronic literary works, the references fail to teach or suggest the specific methodology, as claimed, including a customer terminal apparatus which receives encrypted use right information and encrypted literary work information from two distinct sources and only deciphers the encrypted literary work information based on the use right information including a permitted number, time or amount of use of the encrypted literary work information.

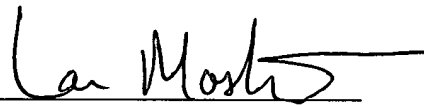
Therefore, Applicant submits that all pending claims 16-21 are patentable over the cited combination of references and respectfully requests that the rejection of claims 16-20 be reconsidered and withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

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